

12/14/05

1647

Express Mail No: ER 517841732 JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines, et. al.

Art Unit: 1647

Serial No. 09/716,960

Examiner: DeBerry R.

Filed: November 21, 2000

Attorney Docket No. KW99-001D00-US

For: METHODS FOR PREVENTION AND
TREATMENT OF NEURODEGENERATIVE
CONDITIONS BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

TRANSMITTAL FOR REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

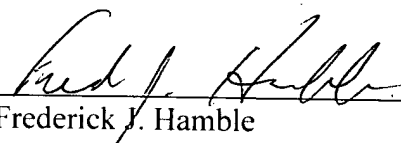
Dear Sir:

Applicant hereby submits the enclosed for consideration: (1) Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address executed on behalf of The Kenneth S. Warren Institute, Inc. (formerly The Kenneth S. Warren Laboratories, Inc.), Assignee of the entire right, title and interest of the above-referenced patent application by virtue of an Assignment, (2) Copy of Assignment from inventors on the parent patent application (3) Certificate of Amendment to the Certificate of Incorporation evidencing the name change of the Assignee. Applicant respectfully requests entry of the enclosed Revocation and Power of Attorney.

Applicant does not believe there is a fee due in connection with this submission.

Respectfully submitted,

Date: December 13, 2005


Frederick J. Hamble 42,623
(Reg. No.)

712 Kitchawan Road
Ossining, New York 10562
(914) 762-7586

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines, et. al.

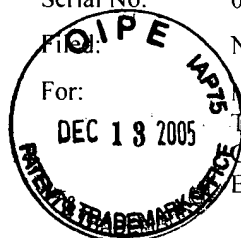
Art Unit: 1647

Serial No. 09/716,960

Examiner: DeBerry R.

Filed: November 21, 2000

Attorney Docket No. KW99-001D00-US



For: METHODS FOR PREVENTION AND
TREATMENT OF NEURODEGENERATIVE
CONDITIONS BY PERIPHERALLY ADMINISTERED
ERYTHROPOIETIN

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Kenneth S. Warren Institute, Inc. (assignee of entire right, title and interest) hereby revokes any and all powers and appoints:

☐ Practitioners at Customer Number _____

as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence addressed for the above-identified application to:

☐ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Frederick J. Hamble, Esq. (Reg. No. 42,623)
712 Kitchawan Road
Ossining, New York 10562

and

Michael Yamin (Reg. No. 44,414)
712 Kitchawan Road
Ossining, New York 10562

Telephone: (914) 762-7586

The Kenneth S. Warren Institute, Inc. is the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR. 3.71
(Statement under 37 CFR 3.73(b) is applicable).

Statement Under 37 C.F.R. 3.73 (b)

The Kenneth S. Warren Institute. States that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ Assignments from the inventors of the parent patent application no. 09/547,220, of which the above-identified application is a divisional, was recorded in the United States Patent and Trademark Office on June 13, 2000 at Reel 010887, Frame 0963.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

2. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

3. From: To:
The document was recorded in the United States Patent and Trademark Office on
 at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached. [Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: The Kenneth S. Warren Institute, Inc.

Date:

11/9/05

Signature:

Carla Cerami Hand

Typed Name:

Carla Cerami Hand

Position/Title:

President/Director

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

- ☐ Total of forms are submitted.

ASSIGNMENT

WHEREAS, WE, Michael Brines, Anthony Cerami, and Carla Cerami, ASSIGNORS, citizens of the United States, residing at 1 Wepawaug Road, Woodbridge, Connecticut 06525, 170 Mercer Street, New York City, New York 10012, and 121 Farrington Avenue, Sleepy Hollow, New York, 10591, respectively, are the inventors of the invention in MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐ _____
- ☐ which is identified by Pennie & Edmonds LLP docket no. 10165-006-999
- ☒ which was filed on April 11, 2000, Application No. 09/547,220

and WHEREAS, The Kenneth S. Warren Laboratories, a not-for-profit organization of the State of New York, having an address at 765 Old Saw Mill River Road, Tarrytown, New York 10591, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date June 7, 2000

State of NEW YORK)
County of Westchester) SS.:

Michael Brines L.S.
Michael Brines

In the State of New York, county of Westchester, on June 7, 2000, before me, CHRISTINE GALIS, Notary Public, personally appeared Michael Brines, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Galis

Christine Galis
Notary Public, State of New York
016ASD73633

My Comm. Expires 12/31/2001

Date June 7, 2000

State of NEW YORK }
County of WESTCHESTER } SS.:

Anthony Cerami
Anthony Cerami L.S.

In the State of NEW YORK, county of WESTCHESTER, on JUNE 7, 2000, before me, CHRISTINE GALIS, Notary Public, personally appeared Anthony Cerami, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Galis

Christine Galis
Notary Public, State of New York
ID: 010A5073633
Qualified in Westchester County
Commission Expires March 3, 2001

Date JUNE 7, 2000, 2000

State of NEW YORK }
County of WESTCHESTER } SS.:

Carla Cerami
Carla Cerami L.S.

In the State of NEW YORK, county of WESTCHESTER, on JUNE 7, 2000, before me, CHRISTINE GALIS, Notary Public, personally appeared Carla Cerami, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Christine Galis

Christine Galis
Notary Public, State of New York
ID: 010A5073633
Qualified in Westchester County
Commission Expires March 3, 2001



State of New York }
Department of State } ss:

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on, APR 08 2002



Special Deputy Secretary of State

F010907000 353

CERTIFICATE OF AMENDMENT

OF

THE CERTIFICATE OF INCORPORATION

OF

THE KENNETH S. WARREN LABORATORIES, INC.

Under Section 803 of the

Not-For-Profit Corporation Law

STATE OF NEW YORK
DEPARTMENT OF STATE

SEP 17 2001

FILED

TAXES

BY: PSC

Filed by: R

Randolph M. Goodman, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, DC 20006

7

360

6010907000-353

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

OF

THE KENNETH S. WARREN LABORATORIES, INC.

Under Section 803 of the
Not-For-Profit Corporation Law

IT IS HEREBY CERTIFIED THAT:

1. The name of the corporation is THE KENNETH S. WARREN LABORATORIES, INC.
2. The certificate of incorporation was filed by the Department of State on the 9th day of June, 1980 under the Not-For-Profit Corporation Law under the name of DRUG AND VACCINE DEVELOPMENT CORPORATION.
3. The corporation is a corporation as defined in subparagraph (a)(5) of Section 102 (Definitions) of the Not-For-Profit Corporation Law and is a Type B not-for-profit corporation as described in Section 201 (Purposes) of the Not-For-Profit Corporation Law.
4. The certificate of incorporation of this corporation is hereby amended as follows:

Paragraph 1 of the certificate of incorporation relating to the name of the corporation is hereby amended in its entirety to read as follows:

"1. The name of the corporation is THE KENNETH S. WARREN INSTITUTE, INC. (the "Corporation")."

Paragraph 3 of the certificate of incorporation relating to the purposes for which the corporation was formed is hereby amended in its entirety to read as follows:

4

"3. The purposes for which the Corporation is formed are:

To develop and make available drugs and vaccines for use in the treatment of diseases in Developing Countries and to conduct any and all other activities as shall from time to time be found appropriate in connection with the foregoing and as are lawful for not-for-profit corporations, except that the corporation shall not have the power to carry on any activity not permitted to be carried on by a corporation exempt from Federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended (or the corresponding provision of any future United States Internal Revenue Law). Nothing herein shall authorize the corporation to provide professional training or to practice medicine or any other profession required to be licensed by Title VIII of the Education Law. Nothing herein shall authorize the corporation to operate or maintain a college or university or to grant degrees or credit leading to a degree."

5. The amendment to the certificate of incorporation was authorized by a majority of members entitled to vote thereon as provided in paragraph (c) of Section 613 (Vote of members) of the Not-For-Profit Corporation Law.

6. The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

Randolph M. Goodman, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, DC 20006

FILING RECEIPT

ENTITY NAME: THE KENNETH S. WARREN INSTITUTE, INC.

DOCUMENT TYPE: RESERVATION FOR CHANGE OF NAME (DOM NFP)

SERVICE COMPANY: ** NO SERVICE COMPANY **

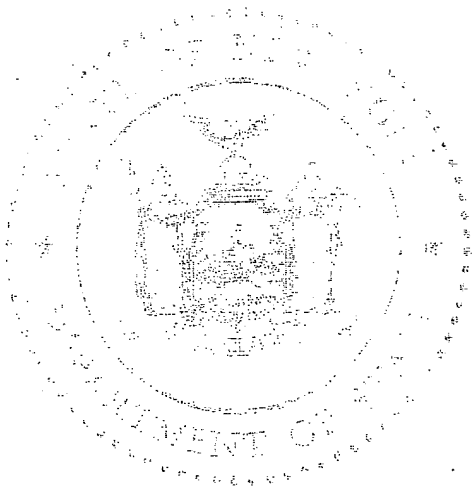
SERVICE CODE: 00

APPLICANT NAME : THE KENNETH S. WARREN LABORATORIES

FILED:04/27/2001 DURATION:06/27/2001 CASH#:010427000587 FILM #:010427000579

ADDRESS FOR PROCESS

REGISTERED AGENT



** SUBMIT RECEIPT WHEN FILING CERTIFICATE **

FILER	FEES	10.00	PAYMENTS	10.00
-----	-----	-----	-----	-----
	FILING	10.00	CASH	0.00
THE KENNETH S. WARREN LABORATORIES	TAX	0.00	CHECK	0.00
765 OLD FAW MILL RIVER ROAD	CERT	0.00	CHARGE	10.00
	COPIES	0.00	DRAWDOWN	0.00
HARRYTOWN, NY 10591	HANDLING	0.00	BILLED	0.00
			REFUND	0.00
			-----	-----

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☒ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☒ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.